

26885. Candy. (F.D.C. No. 44607. S. Nos. 33-919/20 R.)

QUANTITY: 38 ctns., 24 boxes of 6 foil-wrapped pieces of candy each, and 107 ctns., 24 4¾-oz. bags each, at Newark, N.J.

SHIPPED: 4-18-60, from Brooklyn, N.Y., by Chunky Chocolate Corp.

LABEL IN PART: (Ctn.) "Chunky Milk Chocolate 6 Pack [or "Chunky Cutie Bags"] \* \* \* Chunky Chocolate Corp."; (box) "Chunky Milk Chocolate With Cashews, Brazils, and Raisins 6 Pack \* \* \* Chunky Chocolate Corporation, Brooklyn, N.Y." and (bag) "Chunky Cutie Milk Chocolate with Cashews, Brazils and Raisins \* \* \* Chunky Chocolate Corporation, Brooklyn, New York."

LIBELED: On or about 6-8-60, Dist. N.J.

CHARGE: 402(a)(2)(A)—when shipped, the article contained an added deleterious substance, namely, metal fragments, which is unsafe within the meaning of 406 since such substance is not required in the production of this food and can be avoided by good manufacturing practice; and 402(a)(4)—prepared and packed under insanitary conditions whereby it may have been rendered injurious to health.

DISPOSITION: 8-30-60. Default—destruction.

26886. Candy suckers. (F.D.C. No. 43876. S. No. 79-802 P.)

QUANTITY: 28 ctns., 12 6½-oz. individually wrapped candy suckers each, at South Bend, Ind.

SHIPPED: 7-7-59, from Detroit, Mich., by Atlas Cone & Candy Mfg. Co.

LABEL IN PART: (Ctn.) "12 Party Pop Suckers Atlas Cone & Mfg. Co., Detroit, Michigan" and (sucker wrapper) "Party Pop \* \* \* Atlas Cone and Candy Co., Detroit, Michigan."

LIBELED: 12-9-59, N. Dist. Ind.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, pointed wooden sticks, which may render it injurious to health.

DISPOSITION: 10-10-60. Default—3 cartons delivered to the Food and Drug Administration; remaining cartons destroyed.

#### SUGAR AND SIRUP

26887. Sugar. (F.D.C. No. 44796. S. No. 23-646 R.)

QUANTITY: 53 100-lb. bags at Muskogee, Okla., in possession of Griffin Grocery Co.

SHIPPED: 7-29-60, from Three Oaks, La.

LIBELED: 9-14-60, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-4-60. Consent—claimed by Griffin Grocery Co. Segregated; 33 bags denatured for use as animal feed.

26888. Sorghum. (F.D.C. No. 44792. S. No. 14-484 R.)

QUANTITY: 6 cases, 12 4¼-lb. cans each, at Chattanooga, Tenn.

SHIPPED: 6-1-60, from Section, Ala., by J. D. Culpepper.

LABEL IN PART: (Can) "Sand Mountain Sorghum \* \* \* Corn Syrup Added to Prevent Going to Sugar J. D. Culpepper, Section, Alabama."

**RESULTS OF INVESTIGATION:** Examination showed that the article was a mixture of sorghum sirup and corn sirup.

**LIBELED:** 9-14-60, E. Dist. Tenn. ✓

**CHARGE:** 403(a)—when shipped, the label statement "Sorghum" was false and misleading as applied to a mixture of sorghum sirup and corn sirup.

**DISPOSITION:** 11-4-60. Default—delivered to a charitable institution.

**26889. Honey.** (F.D.C. No. 44817. S. No. 40-760 R.)

**QUANTITY:** 27 cases, 12 jars each, at Sikeston, Mo.

**SHIPPED:** 8-30-60, from North Little Rock, Ark., by Fischer Honey Co.

**LABEL IN PART:** (Jar) "Jack Sprat Brand 100% Pure Honey Contents 1 lb. Distributed by Sales Producers Associates, Inc., Kansas City, Kansas."

**RESULTS OF INVESTIGATION:** Examination showed the article to be short weight.

**LIBELED:** 10-13-60, E. Dist. Mo. ✓

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 12-13-60. Default—delivered to charitable institutions.

## DAIRY PRODUCTS

### BUTTER

**26890. Butter.** (F.D.C. No. 40823. S. No. 18-995 P.)

**QUANTITY:** 33 boxes, each containing 30 1-lb. pkgs. of 4 ¼-lb. prints of butter, at Trinidad, Colo.

**SHIPPED:** Decomposed cream was shipped on 6-1-58 and 6-2-58, to Trinidad, Colo., from Texas, New Mexico, Arizona, and Oklahoma.

**LABEL IN PART:** (Box) "Colorado Gold Brand Creamery Butter \* \* \* Trinidad Creamery Co., Trinidad, Colo."

**RESULTS OF INVESTIGATION:** The above-mentioned butter was manufactured at the Trinidad Creamery Co., Trinidad, Colo., from the decomposed cream shipped as described above.

**LIBELED:** 7-7-58, Dist. Colo.; amended 8-15-58. ✓

**CHARGE:** 402(a)(3)—contained a decomposed substance by reason of having been made from decomposed cream; and 402(e)—the article was butter and part or all of the raw material used therein consisted of a decomposed substance, namely, decomposed cream.

**DISPOSITION:** The Trinidad Creamery Co., claimant, filed an answer denying that the butter was adulterated or had been manufactured from decomposed cream as alleged in the libel. The claimant and the Government also served written interrogatories upon each other which were subsequently answered. The case came on for trial before the court without a jury on 1-14-59, and in the course of the trial evidence was presented by the Government concerning the making on 1-10-59 through 1-13-59, of chemical tests to determine the butyric acid content of the samples of butter and cream admitted into evidence for the purpose of determining decomposition. The claimant contended that such evidence resulted in surprise for which the claimant was not prepared. The court took the matter under advisement and on 1-19-59, ordered that the claimant should have 30 days within which to elect whether (a) to reopen